

26 February 1999  
English  
Original: Arabic and English

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**Preparatory Commission for the International  
Criminal Court**

New York  
16–26 February 1999  
26 July–13 August 1999  
29 November–17 December 1999

**Proposal submitted by Bahrain, Iraq, Lebanon, the Libyan Arab  
Jamahiriya, Oman, the Sudan, the Syrian Arab Republic and Yemen**

**Crime of aggression**

1. For the purposes of this Statute, the crime of aggression is committed by a person who is in a position of exercising control or capable of directing political/military actions in his State, against another State, or depriving other peoples of their rights to self-determination, freedom and independence, in contravention of the Charter of the United Nations, by resorting to armed force to threaten or to violate the sovereignty, territorial integrity or political independence of that State or the inalienable rights of those people.
2. Acts constituting aggression include the following, whether preceded by a declaration of war or not:
  - (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
  - (b) Bombardment by the armed forces of a State against the territory of another State, or the use of any weapons by a State against the territory of another State;
  - (c) The blockade of the ports or coasts of a State by the armed forces of another State;
  - (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
  - (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State in contravention of the conditions provided for in the agreement, or any extension of their presence in such territory beyond their termination of the agreement;



(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries which carry out acts of armed force against another State of such gravity as to amount to the acts listed above or its substantial involvement therein.

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